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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of
Leo Chi-Hong Wang**

Serial No.: 10/789,728

Group Art Unit: 3637

Filed: February 26, 2004

Examiner: A, Phi Dieu Tran

For: ?

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

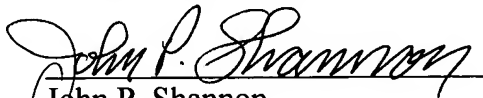
RETURN OF APPARENTLY MISMAILED OFFICE ACTION

Sir:

The enclosed Office Action was mailed to the undersigned attorney at the address shown below and received on June 16, 2005, but it relates to an application that is not recognized by the undersigned or any of the other attorneys at the firm shown below. In a telephone conversation on June 17, 2005 the Examiner in charge of the application suggested mailing the application back to the PTO. Therefore, the Office Action and the envelope in which it was received are being mailed back.

Respectfully submitted,

Date: 6-17-05


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,728	02/26/2004	Leo Chi-Hong Wang	1128.701	8393
7590 06/14/2005				
JOHN P. SHANNON MEREK, BLACKMON & VOORHES, LLC 673 SOUTH WASHINGTON STREET ALEXANDRIA, VA 22314			EXAMINER A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/789,728

Applicant(s)

WANG, LEO CHI-HONG

Examiner

Phi D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There is no support for the “self-draining shelves” in the specification. The disclosure only teaches shelves, not draining shelves.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-4, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mann (D121494).

Mann shows a gazebo comprising a plurality of corner supports, each corner support having a top end and a bottom end and two or more legs connecting the top end and the bottom end, a roof structure (top) having a plurality of base corners, each base corner engaging the top end of the plurality of corner supports, the combination of the roof structure and the corner

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supports forming a gazebo envelope and defining an optimal benefit area within the gazebo envelope, a service unit (the counter surrounding the three sides of the stand) having a service area (inside middle section) and a patron area (outside), the service unit integrated between two adjacent corner supports, the service area and the patron area of the integrated service unit being within the gazebo envelope, some or all of the patron area being congruent with the optimal benefit area, the plurality of corner supports comprising a plurality of support columns (at the corners), the columns each comprising two or more support panels (the panels connecting the columns together), the support panels connected along adjacent leg edges, the service unit further comprising a generally U-shaped counter (the counter top for the three sides) between the service area and the patron area, the service area are bounded on three sides by the counter, the service unit further comprising one or more self-draining shelves (the shelves inherently self-draining as they dry), one or more service shelves, each of the one or more service shelves secured to a support column (at the corner in the back), a plurality of support trusses, each support truss connected between adjacent corner supports.

5. Claims 1-3, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodenberger (5193327).

Goodenberger (figure 3) shows a gazebo comprising a plurality of corner supports(1), each corner support having a top end and a bottom end and two or more legs connecting the top end and the bottom end, a roof structure (2) having a plurality of base corners, each base corner engaging the top end of the plurality of corner supports, the combination of the roof structure and the corner supports forming a gazebo envelope and defining an optimal benefit area within the gazebo envelope, a service unit (40) having a service area and a patron area, the service unit

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integrated between two adjacent corner supports, the service area and the patron area of the integrated service unit being within the gazebo envelope, some or all of the patron area being congruent with the optimal benefit area, one or more support panels (figure 3, the mesh between the supports), each support panel having a top end and a bottom end and two generally parallel legs connecting the top end to the bottom end, one or more support webs connected between the two generally parallel legs, one or more lateral supports connected between the two parallel legs, a plurality of support columns, the roof structure comprising an apex vent (figure 1).

6. Claims 1, 3, 5-6, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by McAlpin et al (6349511).

McAlpin et al (figures 1, 9) shows a gazebo comprising a plurality of corner supports(20), each corner support having a top end and a bottom end and two or more legs connecting the top end and the bottom end, a roof structure (104, 108) having a plurality of base corners, each base corner engaging the top end of the plurality of corner supports; the combination of the roof structure and the corner supports forming a gazebo envelope and defining an optimal benefit area within the gazebo envelope, a service unit (26) having a service area and a patron area, the service unit integrated between two adjacent corner supports, the service area and the patron area of the integrated service unit being within the gazebo envelope, some or all of the patron area being congruent with the optimal benefit area, a plurality of support columns, the roof structure comprising an apex vent, an apex opening in the roof structure, a second tier vent structure secured within the apex opening (figure 9), a second tier roof covering secured to the second tier roof structure, a plurality of support trusses (40), each truss connected between adjacent corner support.

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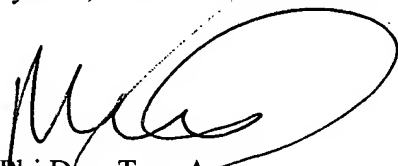
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different booth designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

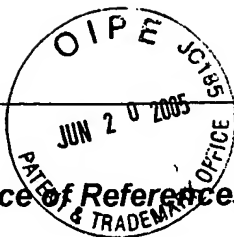
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

6/10/05

Notice of References Cited



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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-D121,494	07-1940	Mann	D25/1
	B	US-589,971	09-1897	Kephart	52/36.2
	C	US-5,692,342	12-1997	Devlin, Jr., Catherine F.	52/36.1
	D	US-D443,069	05-2001	Horton, Tony L.	D25/16
	E	US-4,426,814	01-1984	Stuhmer, Adolf	52/82
	F	US-5,692,342	12-1997	Devlin, Jr., Catherine F.	52/36.1
	G	US-D265,617	08-1982	Saurage et al.	D6/481
	H	US-D313,077	12-1990	Minarro, Tomas. C.	D25/16
	I	US-D458,689	06-2002	Wang, Leo Chi-Hong	D25/56
	J	US-6,745,521	06-2004	Klemming, Ulf JP	52/79.6
	K	US-4,471,586	09-1984	Shuch et al.	52/36.2
	L	US-D482,130	11-2003	Wu, Chiang	D25/56
	M	US-6,349,511	02-2002	McAlpin et al.	52/82

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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	B	US-1,267,684	05-1918	Moomaw	454/175
	C	US-5,638,646	06-1997	Shane, Penny Petersen	52/79.1
	D	US-4,733,508	03-1988	Greenblatt, Kenneth A.	52/91.1
	E	US-5,806,547	09-1998	Derlinga, Thomas S.	135/33.2
	F	US-5,291,700	03-1994	Chew, Keith	52/36.1
	G	US-990,516	04-1911	Crumpton	52/36.1
	H	US-D224,520	08-1972	Waters	D25/56
	I	US-4,850,160	07-1989	Mullin, Jr., Edmund P.	52/82
	J	US-3,543,455	12-1970	WALSH JAMES H	52/64
	K	US-2002/0100227	08-2002	Barnhouse et al.	52/36.1
	L	US-2002/0046508	04-2002	Lekhtman, David	52/36.1
	M	US-D364,232	11-1995	Siebelink, Robert J.	D25/19

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	B	US-4,739,594	04-1988	Langford et al.	52/82
	C	US-6,761,181	07-2004	Tseng, Chuen-Jong	135/133
	D	US-2002/0129562	09-2002	Schmeing et al.	52/36.1
	E	US-D357,769	04-1995	Connelly, Nick	D30/108
	F	US-4,173,855	11-1979	Raptoplous, Harry C.	52/82
	G	US-2003/0041529	03-2003	Grandin, Mark S.	52/36.1
	H	US-4,335,558	06-1982	Caldwell et al.	52/13
	I	US-5,383,313	01-1995	Deeke et al.	52/82
	J	US-5,724,775	03-1998	Zobel et al.	52/82
	K	US-6,843,026	01-2005	Hoehn, Steven	52/82
	L	US-2,440,449	04-1948	RAEMER LLOYD R	52/82
	M	US-2,890,498	06-1959	BIGELOW FLOYD E	52/69

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	A	US-2,183,645	12-1939	Hansen	454/363
	B	US-2,256,050	09-1941	HANSEN RAY C	52/64
	C	US-			
	D	US-			
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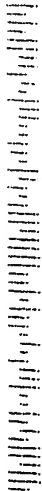
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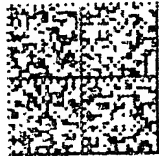
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